

UNITED STATES DISTRICT COURT

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DISTRICT OF NEVADA

ALFONSO MANUEL BLAKE,

V.

Petitioner,

**AMENDED**

JUDGMENT IN A CIVIL CASE

CASE NUMBER: **3:09-CV-00327-RCJ-WGC**

RENEE BAKER, et al.,

Respondents.

       **Jury Verdict.** This action came before the Court for a trial by jury. The issues have been tried and the jury has rendered its verdict.

       **Decision by Court.** This action came to trial or hearing before the Court. The issues have been tried or heard and a decision has been rendered.

X **Decision by Court.** This action came to be considered before the Court. The issues have been considered and a decision has been rendered.

**IT IS ORDERED AND ADJUDGED** that this action is DISMISSED without prejudice for failure to exhaust state remedies.

IT IS FURTHER ORDERED AND ADJUDGED that Petitioner is GRANTED a COA with respect to the following issue:

Whether the district court's ruling, that "as a matter of law a *Strickland* claim of ineffective assistance of post-conviction counsel cannot constitute good cause for failing to exhaust a claim in a federal habeas corpus action," was erroneous, where state law recognizes that ineffective assistance of post-conviction counsel does establish cause allowing a habeas petitioner to file a successive petition, but that right is restricted only to capital cases.

March 26, 2012

LANCE S. WILSON  
Clerk

/s/Katie Lynn Ogden  
Deputy Clerk